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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
SHANG, ANNAN Q	

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/960,351	LINDBERG, ANDERS	
	Examiner	Art Unit	
	Annan Q. Shang	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 February 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 02/22/06 have been fully considered but they are not persuasive.

With respect to claims 1-37 rejected under 102(b) as anticipated by **Yi (6,094,427)**, applicant discusses the disclosure of Yi and further argues that, "...nowhere in Yi is there any disclosure of determining an interruption in the flow of specific user terminating information, evaluating the interruption to determine whether it will be adequate..." (see page labeled 14, line 1+ of applicant's Remarks).

In response, Examiner disagrees. Examiner note arguments, however Yi discloses hard handoff and soft handoff and streaming of digital data, voice, image, video, text file or multimedia information to a mobile station 401 during handoffs (fig.4, col.11, lines 6-30 and lines 59-67). The interruptions during handoffs, such as hard handoff where there are brief or temporary interruptions or soft handoff where interruptions are minimized or reduced, causes the frequency search receiver in the mobile station 401, to search for a best frequency within the handoff region of the base stations, to retrieve time sensitive digital data and other data, using the flow of specific user terminating information (col.13, lines 46-65 and col.17, lines 2-48). Yi discloses a handoff process, which reduces communication interruptions, by allowing the mobile device to send and receive packets between base stations and master switch center within all regions. Hence, applicant's arguments are not persuasive, the 102(b) rejection

using Yi is proper, meets all the claimed limitations and maintained as repeated below. This office action is made final.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-37 are rejected under 35 U.S.C. 102(b) as being anticipated by **Yi (6,094,427).**

As to claim 1, note the **Yi** reference figs. 4 and 8-9, discloses a communications system handoff operation combining turbo coding and soft handoff techniques and further discloses a method of test receiving alternative reception frequencies in a receiver receiving a continuous flow of information at a first reception frequency, the continuous flow of information including a user terminating information, the receiver including an information transfer routine that extracts a flow of specific user terminating information from the received continuous flow of information, the method comprising:

The claimed "an antenna and a demodulator..." are inherent to Receiver of Mobile Station 401(figs.4 and 8);

Determining (Search Receiver 'SR' 805/Control Processor Unit 'CPU' 816 'SR/CPU 805/816', fig.8, col.17, lines 20-39) an interruption in the flow of specific user

terminating information (stream of digital data, voice, image, video, text file or multimedia, col.11, lines 65-67); Evaluating the interruption (SR/CPU 805/816, fig.8, col.17, lines 20-39) if it will be of an adequate length of time, and generating a positive response if it is evaluated that the interruption will be of an adequate length of time (fig.8 and col.16, line 65-col.17, line 48);

Changing reception frequency of the receiver from the first reception frequency (CPU-816, fig.8, col.17, lines 20-39) to an alternative reception frequency if the evaluation has generate a positive response;

Test receiving the alternative reception frequency (CPU-816, fig.8, col.17, lines 20-39; enabling reception and extraction of the flow of specific user terminating information (col.17, lines 20-39); note that during handoff period between Base Station 'BS' A and Base Station 'BS' B, a Search Receiver 805 of Mobile Station 'MS' 401 (fig.4, col.11, 25-30, which includes 3 receivers), continuously scans the pilot signals from the base station currently serving the MS-401, as well as other BSs in the vicinity and measures the ratio "test" of the received pilot signal's energy-per-chip to the total received interference spectral density, including the noise as measure of the pilot signal strength, this information is communicated to CPU-816 to select and process signals from two different BSs A and B.

As to claims 2-3, Yi further discloses where the receiver is receiving the continuous flow of terrestrial digital video/audio broadcasting (DVB-T/DAB) transmission (col.11, lines 65-67).

As to claim 4, Yi further discloses where the interruption comprises the steps of: determining a probability that the interruption will be of an adequate length of time, determining if the probability is larger than a predetermined threshold value and if is determined that the probability is larger than the predetermined threshold value then it is evaluated that the interruption will be of an adequate length of time (col.17, lines 20-39).

As to claim 5, Yi further discloses where an adequate length of time of an interruption is at least equal to a total time of one test reception and one frequency (col.17, lines 20-48).

As to claim 6, Yi further discloses where determining an interruption in the flow of specific user information (SUI) is done by prediction of an expected interruption in the receiver of the flow of SUI (col.17, lines 20-48).

As to claim 7, Yi further discloses where determining an interruption in the flow of SUI it is determined that an interruption in the flow of SUI has occurred by an indication by the information transfer routine (col.17, lines 20-48).

As to claims 8 and 9, Yi further discloses where determining an interruption in the flow of SUI it is determined that an interruption in the flow of SUI has occurred after a predetermined period of inactivity of the flow of SUI and after a timeout signal is generated by the information transfer routine (col.17, lines 20-48).

Claim 10 is met as previously discussed with respect to claim 1.

Claim 11 is met as previously discussed with respect to claim 1.

Claim 12 is met as previously discussed with respect to claim 1.

As to claims 13-14, Yi further discloses where enabling reception and extraction of the flow of specific user terminating information (SUTI) is performed after a predetermined time after the information transfer routine has requested more information (col.13, lines 45-58, col.17, lines 20-65 and col.19, lines 45-65).

As to claims 15-16, further discloses where enabling reception and extraction of the flow of SUTI is performed after the information transfer routine is activated and after a predetermined period of time (col.13, lines 45-58, col.17, lines 20-65 and col.19, lines 45-65).

As to claims 17-23, Yi further discloses determining a list of alternative frequencies, the claimed "changing reception frequency...." "test receiving the further alternative frequency (col.13, lines 45-58, col.17, lines 20-65 and col.19, lines 45-65), evaluating the test reception or test receptions based on one or more parameters of the test received alternative frequency or frequencies, where enabling reception and extraction of the flow of USTI comprises changing the reception frequency to the first reception frequency and initiating a handover to an alternative frequency (col.13, lines 45-58, col.17, lines 20-65 and col.19, lines 45-65).

As to claims 24-29, the claimed limitations are met as previously discussed with respect to claim 1.

As to claim 30, the claimed "a receiver being arranged to receiving a continuous flow of information..." is composed of the same structural elements that were discussed in the rejection of claim 1.

Claims 31-32 are met as previously discussed with respect to claims 2-3.

As to claims 33, Yi further discloses continuously evaluating and determining the best frequency within a predetermined time during the handoff (col.13, lines 45-58, col.17, lines 20-65 and col.19, lines 45-65).

Claims 34-37 are met as previously discussed with respect to claims 17-23.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ayanoglu et al (6,122,759) disclose method and apparatus for restoration of an ATM network.

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free).**

Annan Q. Shang

CHRIS KELLEY
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